

BOOM! LAWYERED: THE UNCONSTITUTIONAL CASE THE SUPREME COURT CAN'T STOP TALKING ABOUT

- Imani Gandy: Hello fellow law nerds! Welcome to another episode of Boom! Lawyered, a Rewire News Group podcast hosted by the legal journalism team that is going to be together in person in one month. There will be tears. There will be blood. There will be face licking. And it's very exciting. I'm Imani Gandy.
- Jessica Pieklo: And I'm Jess Pieklo. Rewire News Group is dedicated to inspiring you to own your relationship to sex, abortion, parenthood and power. And the Team Legal podcast is part of that mission, so a big thanks to our subscribers and a welcome to our new listeners.
- Imani Gandy: So the Supreme Court has conferenced on this Mississippi 15 week ban case approximately eleventy seven billion times.
- Jessica Pieklo: That seems right.
- Imani Gandy: And Jess, can you answer the following question? What the actual hell are these justices doing? Why are they taking so long to decide whether to take this case? It's getting ridiculous. I don't know what's going on.
- Jessica Pieklo: Imani, so ...
- Imani Gandy: Yeah.
- Jessica Pieklo: Okay, we're close. I need to call you in.
- Imani Gandy: Okay. What did I do? Oh, no.
- Jessica Pieklo: I just think it's kind of insensitive of you not to really hold some space for all of the me time that the justices so clearly need right now. I mean, we're in the middle of a pandemic. We're all just doing our best.
- Imani Gandy: Me time?
- Jessica Pieklo: And the justices' me time, Imani.
- Imani Gandy: Me time? Okay.
- Jessica Pieklo: I mean, we put so much pressure on these justices. They have to hear cases, and then they have to decide them. That's a lot. But they're people too, and I mean, look, maybe they like to kick their feet up, open up a pint of Ben and Jerry's, and watch Ted Lasso, just like the rest of us.
- Imani Gandy: I appreciate you taking the time to call me in, in this way because you're right. I've been a little bit insensitive about just the self-care needs that these justices have. Even though I can't really envision Clarence Thomas watching Ted Lasso

with his wife, Ginni, while eating, I don't know, Cherry Garcia. But I understand the point, you're right, I do need to be a little bit more sensitive and aware of just the struggle. It's a struggle being a Supreme Court Justice.

Jessica Pieklo: The struggle is real.

Imani Gandy: The struggle is real.

Jessica Pieklo: And that's what we are going to talk about today.

Imani Gandy: So we're going to talk about Ted Lasso and which flavors of ice cream the justices like? Because I have it on good authority that Sam Alito, he seems like a carob eater. Right? He doesn't eat chocolate. He eats carob. Brett Kavanaugh, that dude is definitely a butter pecan guy. And Justice Kingdom of God, Amy Coney Barrett, listen, she probably eats artisanal breast milk ice cream.

Jessica Pieklo: Imani!

Imani Gandy: I mean, doesn't she seem like the type? It's very earthy. It's a very earthy sort of touch grass, reconnect with Gaya sort of vibe that she gives off.

Jessica Pieklo: I don't even know what to do with that. No, no, we are not talking about artisanal breast milk ice cream. I can't even say it. We're not talking about that on this episode. What we are going to talk about is what the hell the justices have been up to instead of deciding whether or not they're going to take this Mississippi abortion ban case.

Imani Gandy: All right, fine. I suppose that makes more sense. Although, I really think we might want to talk a little bit more about artisanal breast milk ice cream because I feel like, look, that could be the wave of the future.

Jessica Pieklo: You'll be in Boulder in a couple weeks. We can do a tour. I guarantee you we can find some artisanal breast milk ice cream in Boulder, Colorado.

Imani Gandy: Fair enough. But first, if we're going to talk about this Mississippi case, we should probably sort of re-inform our listeners about what the case is about, since it's been on the court's docket since approximately 1862.

Jessica Pieklo: I mean, really, it has.

Imani Gandy: So the case is called Jackson Women's Health Organization, or JWHO, who I love to say, JWHO.

Jessica Pieklo: JWHO.

Imani Gandy: Versus-

Jessica Pieklo: That's like JWHO.

Imani Gandy: J whoop, there it is. Wow, so off the rails already. So it's called JWHO versus Dobbs, and it's a 15 week gestational ban case. A 15 week gestational ban is, say it with me, a pre-viability abortion ban. And they are unconstitutional.

Jessica Pieklo: Unconstitutional.

Imani Gandy: Jazz hands, we are both doing jazz hands. And so the Supreme Court has ruled over and over again that states cannot outright ban abortion before viability.

Jessica Pieklo: Everyone agrees. Literally, everyone agrees, Mississippi's lawyers included, that no fetus is viable at 15 weeks. Mississippi's law is therefore unconstitutional. Ergo, as the lawyers say, it is unconstitutional, period. That's why the district court struck it down, and that's why even the extremely conservative Fifth Circuit Court of Appeals also struck it down.

Imani Gandy: But Mississippi doesn't have to convince the district court or the Fifth Circuit that it's, quote, unquote, very sarcastic, quote, unquote, legal arguments are sound. Right?

Jessica Pieklo: Right.

Imani Gandy: Because now we've got Justice Kingdom of God, ahh, on the bench. And if you give her an abortion turd, she's going to find a way to polish it into an abortion stone.

Jessica Pieklo: I don't even know what to do with that metaphor.

Imani Gandy: I don't either.

Jessica Pieklo: But now I'm thinking of a lovely abortion stone paperweight that I should have on my desk.

Imani Gandy: Or an engagement ring. You know what I mean? When you care enough to send the very best.

Jessica Pieklo: Okay. So this case should be a no brainer. It really should. We should just be talking about ice cream and Ted Lasso.

Imani Gandy: Yes, and breast milk. Because this case, okay, look, this case wants essentially what Mississippi wants to do is subject 15 John Wick gestational ban.

Jessica Pieklo: Of course you're going to make a John Wick joke. Does this get Keanu Reeves into the podcast? Because I am here for that.

Imani Gandy: Oh, my God. I am here for that. I bet you he's pro choice.

Jessica Pieklo: Totally.

Imani Gandy: We get Keanu Reeves and Jason Sudeikis, my God.

Jessica Pieklo: Yeah.

Imani Gandy: But essentially, Mississippi wants to subject all abortion restrictions to this Casey undue burden test, which says, "You can't place a substantial obstacle in the path of a person seeking an abortion." And this could spell disaster for abortion rights because whether or not something is a substantial obstacle is a subjective test. That means a judge can decide one way or the other. It doesn't matter. But when you say that pre-viability abortion bans are unconstitutional, what you're saying is that they are inherently an undue burden, so there's no reason to go through this: Oh, is it a substantial obstacle? How many women or pregnant people actually need abortions after 15 weeks? You don't need to go through that calculus because it's an undue burden. The court has already said that. But states like Mississippi are trying to argue that Casey actually doesn't grant a blanket right to a pre-viability abortion. But that's literally what Casey does. That's absolutely what Casey says. And so they're just trying to play fast and loose in order to get cases before courts so that courts can use their own subjective analysis as opposed to the hard and fast rule that pre-viability abortion bans are unconstitutional.

Jessica Pieklo: It's a mess. And it's bad faith. And they're thinking a lot about it.

Imani Gandy: Too much.

Jessica Pieklo: Too much. They've conferenced on it almost 20 times.

Imani Gandy: 20 times, 20 times.

Jessica Pieklo: Yeah.

Imani Gandy: You're the SCOTUS whisperer, Jess. What the fuck? What's happening?

Jessica Pieklo: Okay. So, Imani, as I said in the upfront, justices are people just like us. So I honestly think they're just doing the best they can in this pancetta.

Imani Gandy: They're just good people trying really hard.

Jessica Pieklo: I mean, okay, let's talk about this. Neil Gorsuch, there's a man, if I do say so myself-

Imani Gandy: Oh, God. Here we go.

Jessica Pieklo: Who is clearly on a path to self betterment during the pandemic. Have you seen Justice Gorsuch lately?

Imani Gandy: Is this a beard thing?

Jessica Pieklo: That beard suits Justice Gorsuch. His skin is glowing.

Imani Gandy: Oh, no.

Jessica Pieklo: What is this man's skincare routine?

Imani Gandy: I don't know.

Jessica Pieklo: Because I guarantee you he spends a lot of time on this. All I'm saying is, look, I leaned into my skincare routine during the pandemic. I'm not a young woman. It was time for me to do so. Neil Gorsuch, that's a man who spent some time at sephora.com.

Imani Gandy: I love the idea of him going through all the products like Drunk Elephant. Is this the product for me?

Jessica Pieklo: Their serum is the shit.

Imani Gandy: I love Drunk Elephant products, let me just tell you. Or maybe he's just going through and just seeing Kiehl's. Should I use a Kiehl's moisturizer? I can see it. And you're right-

Jessica Pieklo: For the eyes, something for the eyes.

Imani Gandy: Something for the eyes, a little eye brightener, get the bags out. You're right, Neil Gorsuch is looking pretty decent with that beard. I'm going to hand that to you.

Jessica Pieklo: And so we know that takes time.

Imani Gandy: It does.

Jessica Pieklo: Look, he's got to fit in that expensive skincare routine with thinking about if this is the case that the court should take up to decimate abortion rights. And that's a balance, that's a balance. We all take [inaudible 00:10:23] on that.

Imani Gandy: He's probably sitting there with his apricot scrub and his loofah, just scrubbing his face and thinking about gestational bans. That's what he's doing.

Jessica Pieklo: Do you think he pushes his bangs back?

Imani Gandy: I'm wearing bunny ears right now that I got with my makeup kit, my skincare regime, so I can push my hair back. So I'd like to think of Neil Gorsuch wearing bunny ears and just slowly moisturizing his face, just in a mirror, looking for wrinkles. Jesus Christ.

Jessica Pieklo: We have Justice Kagan, fellow Taurus like me. We share a birthday.

Imani Gandy: You share a birthday. Happy birthday, belated.

Jessica Pieklo: Belated birthday, Justice Kagan. I am willing to put dollars to donuts that her garden is popping right now.

Imani Gandy: Oh, for sure.

Jessica Pieklo: She doesn't strike me as a fussy orchids kind of lady. We Tauruses, we like utility. So I'm guessing her herbs, off the chain. Elena, you growing some herbs?

Imani Gandy: What kind of herbs? I mean, are we talking hydroponics?

Jessica Pieklo: I'm just saying, there's lots going on in DC these days. Things are opening up. Maybe, maybe Justice Kagan is taking on a gardening habit.

Imani Gandy: I actually can see that. I can see that maybe right now, she's going to some of those, you know they have those fairs of festivals, where you can see who's grown the largest pumpkin. I bet you she's got a pumpkin the size of Ted Cruz's head.

Jessica Pieklo: Oh, my God. Absolutely. And trying to build consensus on the court, can you imagine working that out as you're aggressively pruning back your rosemary shrub? There are ways to do that. I am convinced.

Imani Gandy: I think that's right. I like that. I like it a lot. Who else do we have?

Jessica Pieklo: Okay. So even Justice Sam Alito I think is allowed to have some hobbies.

Imani Gandy: I mean, does he? I feel like he might just sit in a dark room just glaring at the wall, he just seems angry.

Jessica Pieklo: I think if he's sitting in a dark room, it's while he's working on his cross stitch for prayer circles, Imani. Clearly, he has anger issues.

Imani Gandy: This is true.

Jessica Pieklo: Things that you work out in finite detail is a very good way to channel those frustrations. We all know crisis pregnancy centers are in need of things like those little napkins to burp babies, and I don't know, doilies. Do people still make doilies? Sam Alito still makes a doily. If anyone makes a doily, Sam Alito makes a doily.

Imani Gandy: I could see Sam Alito really just getting zen, just sitting in a meadow, wearing a nice linen suit.

Jessica Pieklo: He totally wears linen.

Imani Gandy: Surrounded by wildflowers and just cross stitching. I like it. I like it. I can see that, yeah, yeah.

Jessica Pieklo: I wonder. Would he have company? Or is this a solo thing?

Imani Gandy: I bet that he, well, why don't we talk about Justice Roberts, and then we'll talk about Sam Alito because I do think he has company. I think he has company. But I think we should talk about Justice Roberts first.

Jessica Pieklo: That's a man, that's a man under a lot of pressure. Imagine being the Chief Justice of the United States Supreme Court during that other guy's reign, and then now, coming to, I don't know, there's an insurrection, and everybody's talking about how bad the court is and how we need a whole bunch more justices, that's a man who's probably pretty stressed.

Imani Gandy: I would say so, yeah, I would say so.

Jessica Pieklo: He's also young, pretty athletic as far as justices go. And I've read a little bit about the chief justice, I guarantee you that man has been working on his hook shot during the pandemic.

Imani Gandy: Yeah. He does seem like a rather athletic sort.

Jessica Pieklo: Yeah. He likes to mix it up with some hoops. And this is a man. What would the shot be that John Roberts had not mastered?

Imani Gandy: I don't know. But I bet he goes to Anacostia, where all the black folks live, and just goes to pickup games in black neighborhoods, and is like, "What up, homie?" And just starts just draining threes.

Jessica Pieklo: This is an amazing image! This is an amazing image. "Take that, Section IV, booyah!" I did just booyah the Voting Rights Act on our podcast.

Imani Gandy: You did. You booyahed the Voting Rights Act. Good God, all mighty. That is hilarious. But you mentioned that Sam Alito might have some company.

Jessica Pieklo: My apologies to the Voting Rights Act!

Imani Gandy: You don't need to apologize to a piece of legislation. [laughter] I think our producer's going to fire us.

Jessica Pieklo: We're fired. He's so done with us!

Imani Gandy: We are absolutely fired after this episode.

Jessica Pieklo: It's been a great run, folks, see you on the tubes.

Imani Gandy: Let's talk about Justice Amy Coney Barrett.

Jessica Pieklo: Okay. Yeah.

Imani Gandy: All right.

Jessica Pieklo: Newest justice to the court. What a stressful time to join the court, in the middle of a pandemic.

Imani Gandy: In the middle of a pandemic.

Jessica Pieklo: Part of a super spreader event like-

Imani Gandy: Immediately after one of the greatest Supreme Court justices has passed. I think that when she's not spending time doing Handmaid's Tale reenactment ceremonies and making sure that her white bonnet is perfectly affixed tightly to her Godly and Heavenly head, I think that she's hanging out with Sam Alito crocheting baby blankets for CPCs. I think the two of them, I don't know if you ever saw Twilight, but this is-

Jessica Pieklo: Oh, come on.

Imani Gandy: I'm going in a really weird direction.

Jessica Pieklo: Did I ever ... Hold on. No, no. Did I ever see Twilight? First of all, I'm offended. Second of all: How dare you?

Imani Gandy: How dare you? So you know those scenes when Bella and Edward are just lying in a meadow just gazing into each other's eyes. I imagine Sam Alito and Amy Coney Barrett, who are just sitting in a meadow of wildflowers. Amy's wearing, of course, an ankle length white dress.

Jessica Pieklo: So demure.

Imani Gandy: Sam Alito's wearing ... So demure. Sam Alito's wearing probably seersucker and a Panama hat. He's cross stitching. She's crocheting. They're making shit for babies at CPCs. I strongly feel like this is a thing. Also, Amy Coney Barrett has black children. And so I think that she's been spending this time trying to connect on a cultural level with her black children. I think her kids are teaching her how to twerk. I think her kids are teaching her how to twerk, and I also think, much to her credit because I do have some concerns when it comes to white conservative women raising black children, I think she's been learning how to do black hair.

I think that she's really good at doing cornrows now, but the thing is that she doesn't call them cornrows. She calls them corn roads, which is kind of weird. But her black kids don't want to make her feel bad, so now they call them corn roads instead of cornrows. And it's a weird situation. But you know what, props to her for trying to connect with her black children. I mean, she doesn't want to be a clueless white lady. She's twerking and doing black hair. That's what she's doing, and then hanging out with Sam Alito in a field.

Jessica Pieklo: Okay. So I don't even know where to enter into this. However, I will say that Sam Alito and Amy Coney Barrett hanging out together is legitimately the most reasonable hypothetical we've come up with so far, given how little respect they have for the COVID restricts at all.

Imani Gandy: That's true. That is true.

Jessica Pieklo: Sincerely. And now I need to stop thinking about Amy Coney Barrett twerking.

Imani Gandy: Or maybe you never need to stop thinking about Amy Coney Barrett twerking. But let's move on.

Jessica Pieklo: Please, can we?

Imani Gandy: Let's move on. Let's talk about Brett Kavanaugh.

Jessica Pieklo: Okay.

Imani Gandy: Do you know what Brett Kavanaugh's been doing? You think about how stressful his confirmation hearing was. I mean, the man was red faced and angry.

Jessica Pieklo: So angry.

Imani Gandy: And he had to sit there and listen to these people attacking him and all of his high school friends.

Jessica Pieklo: I mean, the Clintons.

Imani Gandy: And rapists and frat bros.

Jessica Pieklo: The Clintons were behind it all.

Imani Gandy: The Clintons were behind it all. So do you know what Brett Kavanaugh's doing? He's reconnecting with his high school friends. I think he spent six months on an Outward Bound trip with PJ and Squee.

Jessica Pieklo: Totally.

Imani Gandy: Right?

Jessica Pieklo: Totally.

Imani Gandy: I think he was on this Outward Bound retreat. I think they were playing a lot of beer pong, a lot of flip the cup. I think they probably were doing keg stands, but because they're all middle aged now, and they can't really flip upside down and then hold it, I think they have to be in harnesses. You know how whenever you take trapeze lessons, they put you in a harness to make sure you don't break something? I think he and PJ and Squee are in harnesses upside down, doing keg stands in the Catskills.

Jessica Pieklo: Definitely. There was a canoe involved, I would bet money on it.

Imani Gandy: Absolutely, a canoe involved. And in the canoe, they are 100% wearing beer hats.

Jessica Pieklo: For sure.

Imani Gandy: 100%.

Jessica Pieklo: The plastic ones that Homer Simpson would wear and put the cans of Duff in, that then the tubes would go into your mouth, 100%.

Imani Gandy: Absolutely.

Jessica Pieklo: Yeah.

Imani Gandy: I think that's absolutely correct.

Jessica Pieklo: High fives all around there.

Imani Gandy: High fives all around. Let's get to my girl, Sonia Sotomayor.

Jessica Pieklo: Oh, yeah.

Imani Gandy: Right? Okay, so one of my favorite stories about Sonia Sotomayor that we told in our Sonia Sotomayor is a Boss episode 600 years ago when we started this podcast is that at the end of her first term, they have parties at the end of every Supreme Court term for the clerks and the justices to get together and whatever, do Jello shots. I don't know what they do. And usually, it's actually a rather staid affair. But at the end of Sonia's first one, she tried to get everyone to salsa dance. She got Roberts dancing. It was right after Ruth Bader Ginsburg's husband had died, and she wasn't feeling in the mood to dance, so she just whispered to RBG, "I think Marty would've wanted you to dance," and so the two of them danced together.

So I think sort of inspired by that experience, I think that she's been sort of bringing salsa to the people. And my people I mean white people. I'm pretty sure that she's been touring the nation doing group salsa classes for white people.

Jessica Pieklo: I love this for my people.

Imani Gandy: Right? Get a little rhythm.

Jessica Pieklo: This is exactly what we need.

Imani Gandy: It is what you need.

Jessica Pieklo: Not a little rhythm, a lot of rhythm, a lot of rhythm.

Imani Gandy: Stop clapping on the one and three, guys. Let's just work on that first. That's really her first lesson is just two weeks of clapping, where you learn how to clap on the freaking two and four. So I think that's what she's doing. And at that party that Sonia went to, she actually got Clarence Thomas to dance. And I think Clarence isn't really much of a salsa guy.

Jessica Pieklo: Yeah.

Imani Gandy: And he sort of has always had a really sort of dodgy relationship to the black community. I mean, a lot of his opinions just don't really seem to recognize that he is black. And that as a black person, he might have some sort of responsibility to other black people when it comes to his jurisprudence. And so I think in order to make up for that, he's been reconnecting with his black roots and learning how to twerk with Amy Coney Barrett. I think that's what's happening. And frankly, he's really good at it. So at the end of the term party, at the end of this term party, he's going to drop it real low. He's going to drop it so low, he's going to drop it like it's hot. And people are going to be like, "Damn, I didn't know you could drop it that hot." And it's just going to be ... I think it's happening.

Jessica Pieklo: I'm just picturing him working on a Lil Nas X routine here.

Imani Gandy: Right? Oh my God. Can you imagine him in the thigh high boots and doing a lap dance on the devil?

Jessica Pieklo: I love this for Clarence. This is amazing.

Imani Gandy: I love this journey for him.

Jessica Pieklo: This is amazing. It stitches so many of his themes together.

Imani Gandy: Doesn't it?

Jessica Pieklo: That could be great. Good job, everyone. Everybody's been doing a really good job during the pandemic.

Imani Gandy: We have one more.

Jessica Pieklo: Who?

Imani Gandy: We can't forget Stephen Breyer.

Jessica Pieklo: Oh, he better have been working on his retirement letter. I'm just going to say it.

Imani Gandy: Right. Well, he is. He's about to retire. He's in full I do not give a fuck mode. He's been doing a ton of Jello shots, which is super weird for someone of his age. And he's been finishing up his memoirs, which one would expect for him to be finishing up his memoirs. And so what's interesting about Breyer in this time of self care is that he didn't want to write another staid book. Right? He wanted to write a really fun book. So rather, and for him, fun is just nerdery, data, nerds, questions. He's always giving homework assignments. Right?

Jessica Pieklo: For real.

Imani Gandy: And oral arguments and his opinions. So rather than his memoirs just regaling readers with tales of his life, his memoirs just consist of multiple choice questions about the Administrative Procedures Act.

Jessica Pieklo: I love this. Where do I pre-order? This is the most amazing book of the year.

Imani Gandy: And what's weird about it is that it's a children's book, so it's a multiple choice question book at the APA for children.

Jessica Pieklo: Okay. Jokes aside, that is honestly an excellent civic engagement idea that I need us to get on because everybody should have that level of knowledge of the Administrative Procedures Act.

Imani Gandy: And we've got to start them at an early age. We've got to start them right out of the womb. You know?

Jessica Pieklo: I'm just saying, that's amazing. That's amazing. And I 1000% believe that Justice Breyer is writing a memoir that is 1000 page multiple choice exam on the Administrative Procedures Act. That one track's probably the hardest.

Imani Gandy: Absolutely.

Jessica Pieklo: But okay, so I've got to do my thing. Sorry.

Imani Gandy: Do you thing. Let's do it.

Jessica Pieklo: I'm Jess.

Imani Gandy: Yep.

Jessica Pieklo: So Masterpiece Cakeshop, Imani.

Imani Gandy: Ay, ay, ay.

Jessica Pieklo: We're joking. We're having a lot of fun with the fact that the court has conferenced on this very dangerous Mississippi abortion case a lot of times now. But the last time we were in a situation that felt remotely like this was when the court was considering taking up Masterpiece Cakeshop.

Imani Gandy: Yeah, yeah. And just for a quick refresher on what Masterpiece Cakeshop was, basically this baker, Jack Phillips, was arguing that if he was forced to serve gay customers, if he was forced to bake cakes for same sex couples who wanted to get married, it would essentially be the same thing as him endorsing marriage equality, and he doesn't believe in marriage equality because, and Jesus says, "Being gay is a sin," and yada, yada, yada, blah, blah, blah. And so it doesn't really matter that the Colorado law, he had a cake shop in Colorado, didn't matter that the Colorado law prohibited discriminated against someone for being gay. I mean, you can't refuse to bake cakes, or rent a house, or provide a job, just because a person is gay. That's just not the way it works.

But apparently, the court was like, "Well, I mean, we're not going to necessarily say that Jack Phillips was in the right in refusing to serve gay customers. We're not going to say that he was not in violation of Colorado's anti-discrimination law. But we are going to say that he didn't get a fair hearing," because frankly, I don't know, Tony Kennedy was really concerned that that Colorado Civil Rights Commission had been really mean to Phillips when they said that religious ... Essentially, they said that religious freedom had been cited for some horrible human rights abuses like slavery. And it's just not really fair to compare someone who just thinks that being gay is a sin to a slaver.

I mean, the ruling was absurd. I mean, of course you can't just refuse to bake a cake for someone because they're gay. But if you say that, and you happen to give a little accurate history about how religion has been used to create these human rights abuses, then suddenly, you're being mean to Christians, and game over.

Jessica Pieklo: Yeah. It's a mess of a case. And the point here is that the court conferenced on it at least 13 times before the justices decided to take it up. And they made a mess of the law. But before Masterpiece Cakeshop, it was essentially settled that you couldn't do those kinds of things. Right? This was really the first time conservatives on the Court were considering revisiting this idea that you cannot use your religion as both a shield and a weapon. Right? What Phillips was arguing is that his religious beliefs both allowed him to harm third parties by

refusing them services and protect himself from legal liability when he did that. And the court opened the door for that, and we have all sorts of fallout as a result of that now. So Imani, could it be that conservatives on the court are considering revisiting yet another really well settled legal principle here, which is that states can't ban abortion outright before viability, or that the Casey test has to apply to everything? Is that what's happening here?

Imani Gandy: If that's not what is happening in this case, that's certainly going to be what happens in a future case because that is where ... That's just where the momentum is, trying to make sure that every restriction has to be analyzed through this undue burden analysis, which as I said earlier, it provides justices or judges an opportunity to impose their own views on what should be a hard and fast rule.

Jessica Pieklo: Yes.

Imani Gandy: And that's not good.

Jessica Pieklo: It's a mess.

Imani Gandy: It's not good. It's a mess.

Jessica Pieklo: So the Court's thinking about it again this Friday. We could hear or not, depending on where the justices are in their pandemic journey, as soon as Monday, on what the court is going to do with this. But I think we'd all like an answer soon, folks. Right?

Imani Gandy: I certainly would.

Jessica Pieklo: Justices, let's get on this.

Imani Gandy: Stop twerking and make a decision, please.

Jessica Pieklo: Stop twerking, start working!

Imani Gandy: On that note, we've got to end this episode. It is so far off the rails. If you want to talk to us about what you think the justices have been doing in their pandemic journey and their self care, you can find me on Twitter at @AngryBlackLady. You can find Jess on Twitter at @Hegemommy, H-E-G-E-M-O-M-M-Y. You should and could follow @RewireNewsGroup on Twitter and on Instagram. And this week, we published a special content drop, a special issue about re-imagining motherhood. A lot of great storytellers, we got abortion storytellers. I told a very personal story about-

Jessica Pieklo: It's so good.

Imani Gandy: How I thought I was a crack baby until I was 32 years old, that's true. You should go read it. And it's just a really good, beautiful piece of packaging, and I think that y'all should just go check it out.

Jessica Pieklo: Yeah.

Imani Gandy: Called Re-imagining Motherhood, rewirenewsgroup.com. What, what? Throw them up. I don't know. And I guess, what are we going to do, Jess?

Jessica Pieklo: We are going to see you on the tubes, folks. Boy, are we ever.

Imani Gandy: Boom! Lawyered is created and hosted by Jessica Mason Pieklo and Imani Gandy. Marc Faletti produces the show.